AILET

Practice Paper on Reading Comprehension for Law Entrances

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This is a practice paper on reading comprehension for law entrances

Read the given passage carefully and answer the questions given after the passage.

Judicial review has been a part of our democracy in this constitutional government for over 200 years. Under the Indian Constitutional state is under the prime responsibility to ensure justice, freedom, liberty and equality in the country. In order to prevent state from escaping its responsibilities the constitution has granted inherent powers to judiciary to keep a check on the state function. In this content, judiciary is considered as the guardian and protector of Indian Constitution and supervises the implementation of fundamental rights and duties in the country. In the case of L. Chandra Kumar V. Union of India it has been held that power of judicial review is a part of basic structure of the Indian Constitution.

The emergence of judicial review gave birth to a new movement which is called as Judicial Activism. Judicial Activism refers to a philosophy of judicial decision making whereby judges allows their personal views about public policy to guide their decisions. The constitution of India divides the powers of government into three branches i.e. legislature, executive and judiciary and has defined their roles clearly. Legislature and executive are responsible for making the law of the land and judiciary is responsible for interpreting these laws and also has a power to review the law i.e. whether it is made in consonance with the basic principles of constitution or not. So, it is when the judiciary steps into the shoes of the executive and legislature and embarks on the work of law making rather than interpreting laws, it is deemed to be judicial activism.

The concept of judicial activism is not new. It origin goes back to nineteenth century America evolved by Chief Justice Marshall in the case of Marbury V. Madison. Judicial activism has risen mainly due to the failure of the executive and legislatures to discharge its responsibilities according to the laws framed the entire system has been plagued by ineffectiveness and inactiveness which leads to the violation of basic human rights. This new jurisprudence in the form of judicial activism has no doubt contributed in a great measure to the well being of the

society. It has provided a system of checks and balances to the government branches. It allows judges to use their personal wisdom and bring out an innovative solution to provide a balance at a faster pace where legislature gets stuck in the issues of majority. However the powers given to judiciary should be guarded. Repeated interference of courts can erode the faith of the people in the quality, integrity and efficiency of governmental institution. If the judiciary will assume all the functions in its own hands then it will disturb the balance created by the constitution under Doctrine of separation of powers.

Thus it is necessary that judiciary should keep in mind that judicial activism does not become judicial overreach. The court themselves must display prudence and moderation and be conscious of the need for comity of instrumentalities as basic to good governance. The great contribution of judicial activism in India has been to provide a safety value in a democracy and a hope that justice is not beyond reach judicial activism is a sine qua non of democracy because without an alert and enlightened judiciary, the democracy will be reduced to an empty shell but it should only step in where is an utter misuse of power by the government and public interest is at stake as it is rightly said 'liberals attempt through judicial activism what they cannot even at the ballot box'.

1. under which philosophy of judicial decision making are judges allows to give their personal views about public policy in order to guide their decisions

(a) Judicial review

(b) Judicial activism

(c) Judicial restraint

(d) judicial determination

Ans: (b)

Explanation: This is a direct question. The answer can be picked from the sentence in the passage 'Judicial Activism refers to a philosophy of judicial decision making whereby judges allows their personal views about public policy to guide their decisions'

1. The author's tone in the passage is best described as

(a) Concerned (b) passionate (c) informative (d) opinionated

Ans: (c)

Explanation: the passage provides information about what is judicial activism

1. In which case according to the passage mentioned above, judicial review was considered as the part of the basic structure of the constitution.

(a) Rupa Ashok Hurra V. Ashok Hurra (b) SP Gupta V. Union of India (c) L. Chandra Kumar V. Union of India (d) Marbury V. Madison.

Ans: (c)

Explanation: It is the direct sentence in the passage that 'In the case of L. Chandra Kumar V. Union of India it has been held that power of judicial review is a part of basic structure of the Indian Constitution.'

1. What will happen if judiciary will assume all the functions in its hands

(a) it will decrease the power of legislature (b) it will disturb the balance created by the constitution under doctrine of separation of powers (c) it will help in maintaining checks and balances (d) it will lead to violation of human rights

Ans: (b)

Explanation: 'If the judiciary will assume all the functions in its own hands then it will disturb the balance created by the constitution under Doctrine of separation of powers'. This is the direct statement used in the passage.

1. According to the passage, which of the following statements is true?

(a) Judiciary should function independently and without any restrictions.

(b) It is the responsibility of legislature that judicial activism does not become judicial overreach.

(c) Judiciary should function according to the rules made by legislature in every matter

(d) Courts should use their own prudence in order to not to overreach the powers given to them.

Ans. (d)

Explanation: This is an analytical question which can be answered from the understanding of whole of the passage. Sentences like, 'Thus it is necessary that judiciary should keep in mind that judicial activism does not become judicial overreach' and 'The court themselves must display prudence and moderation and be conscious of the need for the comity of instrumentalities as basic

to good governance' are the key sentences to draw such inference.

1. According to the passage, what is the responsibility of the State

(A) to ensure justice and liberty (B) to ensure justice and equality

(C) to ensure freedom and liberty

(a)A only (b)A and B only (c)B and C only (d)A,B, and C

Ans: (d)

Explanation : 'Under the Indian Constitutional state is under the prime responsibility to ensure justice, freedom, liberty and equality in the country'. The answer can be inferred from the above statement.

1. Based on information in the passage, the reader can infer that

(a) Judicial activism has emerged recently.

(b) Judicial activism is an old concept

(c) Judicial activism is not prevalent in India

(d) Judicial activism and judicial review are the same concepts

Ans: (b)

Explanation: 'The concept of judicial activism is not new. It origin goes back to nineteenth-century America evolved by Chief Justice Marshall in the case of Marbury V. Madison'. The answer can be inferred from this statement.

1. What is the antonym of the word 'consonance' used in the passage

(a) harmony

(b) chime

(c) discord

(d) congruity

Ans: (c)

Explanation: the word 'consonance' is used in the sentence 'whether it is made in consonance with the basic principles of constitution or not' it means 'in conformity' and its opposite will be 'discord' which means disagreement.

1. What is the meaning of the phrase 'step into the shoes' used in the passage

(a) to take someone's position or authority

(b) to imitate someone

(c) to wear someone else's shoes

(d) to adapt someone else's behaviour

Ans: (a)

Explanation: the phrase is used in the sentence 'when the judiciary steps into the shoes of the executive and legislature and embarks on the work of law-making rather than interpreting laws, it is deemed to be judicial activism' which means when judiciary take the authority of executive and legislature.

1. Using the information in the passage as a guide, it can be concluded that

(a) judicial activism is bad in its spirit and it should be discarded

(b) under the garb of judicial activism, the judiciary is allowed to do anything

(c) judicial activism should be applied with certain restrictions so that it does not become judicial overreach

(d) judges should not be given liberty to step into the authorities given to executive and legislature

Ans: (c)

Explanation: from the complete and careful reading of the passage it can be inferred that judicial activism should not become judicial overreach.

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